IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 538 OF 2005
(FOR LEAVE TO APPEAL)

The State of Maharashtra. ..Applicant.

Vs.

Balish Sardar Shaikh & ors. .. Respondents.

Ms.P.H.Kantharia, Additional Public Prosecutor for the State.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 31st January, 2005

P.C.

Heard the learned Additional Public Prosecutor and perused the impugned judgment.

2. On the basis of the evidence produced by the prosecution, the view taken by the learned trial Court is the possible view. The learned trial Judge has elaborately considered the evidence of PW1, PW2 and PW3 and for the reasons stated in the judgment, it cannot be said that by discarding the evidence of these witnesses any error has been committed. It is pertinent to note that even the panchanama of the place of incident was not prepared.

3. All in all, the view of the Additional Sessions Judge cannot be said to be perverse warranting grant of leave to appeal.

4. Criminal application for leave to appeal is, accordingly, rejected.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)